

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JA'NELE MARIE GILES
BATCHELOR, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELENE DELORES BATCHELOR, a/k/a
MICHELENE DELORES GILES,

Respondent-Appellant,

and

WILLIAM CLAYTON BATCHELOR II,

Respondent.

In the Matter of JA'NELE MARIE GILES
BATCHELOR, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIAM CLAYTON BATCHELOR II,

Respondent-Appellant,

and

MICHELENE DELORES BATCHELOR, a/k/a
MICHELENE DELORES GILES,

UNPUBLISHED
March 1, 2007

No. 271673
Wayne Circuit Court
Family Division
LC No. 97-349892-NA

No. 271674
LC No. 97-349892-NA

Respondent.

Before: Hoekstra, P.J., and Markey and Wilder, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), (j), and (l). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

Respondent mother first argues that the trial court lacked jurisdiction over the child. We disagree. To properly exercise jurisdiction, the trial court must find by a preponderance of the evidence that a statutory basis for jurisdiction exists. *In re BZ*, 264 Mich App 286, 295; 690 NW2d 505 (2004). Jurisdiction over Ja'Nele was properly asserted at the initial dispositional hearing under MCL 712A.2(b) based on prior terminations of respondent mother's parental rights to four other children and her extensive substance abuse history. *Id.* at 295; *In re Gazella*, 264 Mich App 668, 680-681; 692 NW2d 708 (2005).

The trial court also did not err in finding that the statutory grounds for termination were established by clear and convincing evidence with regard to respondent mother. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent mother had seven children, but custody of none. Her two oldest children were living with their fathers after a substantiated claim of physical abuse. Her parental rights to twins Sandanta and Kadrema and their sibling Aniyah were terminated on September 24, 2002, following unsuccessful attempts to reunify the family. Respondent mother had tested positive for cocaine at birth for each of those children. Her parental rights to Heavyn were terminated in December 2005.¹ Again, Heavyn tested positive for cocaine at birth. Services were offered to respondent mother at that time, but she failed to complete a substance abuse program. She also tested positive for cocaine on three occasions just before the 2005 termination while she was pregnant with Ja'Nele.

With regard to respondent father, his parental rights were also terminated to Heavyn in December 2005. The worker testified that respondent father was substantially in compliance with his parent-agency agreement at the time of termination, but he refused to leave respondent mother and plan for Heavyn on his own. Reunification efforts, therefore, were futile. Respondent father testified that he had been diagnosed with bi-polar disorder and had received residential psychiatric care. He was hospitalized for four days in 2003 after an attempted suicide. During the past five years he was intermittently homeless. Respondent father violated probation on March 2, 2005, by testing positive for cocaine. He testified that he was "trying to divorce" respondent mother, but his prior conduct of staying with her in spite of her failure to

¹ The judgment was affirmed by this Court in *In re Heavyn Elizabeth Batchelor*, unpublished opinion per curiam of the Court of Appeals, issued October 12, 2006 (Docket Nos. 267768, 267769).

address her substance abuse issues and failure to care for her children belied that claim. Respondent father simply could not provide for the child while maintaining a relationship with respondent mother.

The trial court also did not clearly err in finding that Ja'Nele's best interests did not preclude termination of respondents' parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Because of her premature birth, Ja'Nele had many special medical needs and required specialized care and yet respondents were unable to provide the most basic care. Ja'Nele was entitled to permanence and stability.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jane E. Markey
/s/ Kurtis T. Wilder